

FILED

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CIRCUIT COURT  
FOR MULTNOMAH COUNTY

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

18CV48680

In the Matter of the Appointment  
of a Custodian for the Law Practice of  
LORI E. DEVENY

Case No.

**EX PARTE  
PETITION FOR THE  
APPOINTMENT OF CUSTODIAN  
OF A LAW PRACTICE**

Pursuant to ORS 9.705, *et. seq.*, Petitioner, the Board of Governors of the Oregon State Bar, alleges:

1.

From September 1989 until May 2018, the affected attorney, Lori E. Deveny ("Deveny"), was a member of the Oregon State Bar, with her office and practice located in Multnomah County, Oregon.

2.

On May 24, 2018 Deveny signed a Form B resignation from the Oregon State Bar (the "Resignation"). The Resignation stated that Deveny's files would be delivered to Oregon attorney Jodie Phillips Polich. Declaration of Susan T. Alterman ("Alterman Decl.") ¶3.

3.

On July 26, 2018, Chief Justice Walters of the Oregon Supreme Court signed the Order Accepting Resignation From Practice of Law accepting the resignation. Alterman Decl. ¶4.

4.

From and after the date of Deveny's Resignation, Deveny has failed to deliver all client files and client records in her possession to Ms. Phillips Polich as required by the terms of the Resignation. Declaration of Jodie Phillips Polich ("Phillips Polich Dec.") ¶2.

5.

Ms. Phillips Polich has advised the Oregon State Bar that she is not willing to accept Deveny's client files and client records. Phillips Polich Dec. ¶3, 4.

6.

At this time, some of Deveny's client files and records are in the possession of the Professional Liability Fund, and some client files and records remain in Deveny's possession.

7.

Pursuant to ORS 9.710, when an attorney has been disbarred or has abandoned the practice, and the attorney failed to make arrangements for the orderly termination of their law practice, the Circuit Court of the county in which the lawyer engaged in the practice of law has jurisdiction over the law practice of the nonperforming attorney.

8.

Where the circumstances identified in ORS 9.710 exist, ORS 9.715 authorizes the Oregon State Bar to petition the court *ex parte* to take immediate jurisdiction over the affected attorney's law practice.

9.

ORS 9.720 provides that, where the Court finds that the assumption of jurisdiction is necessary to protect the interest of clients of the affected attorney, the Court may take jurisdiction over the law practice of affected lawyer to the extent the Court determines necessary and shall, pursuant to ORS 9.725, appoint the Oregon State Bar to act as custodian of the law practice of the affected attorney.

10.

Because Deveny has refused to turn over all client files and client records to Ms. Phillips Polich or to any other party, there is no one responsible for Deveny's client files. No one is able to adequately protect the interests of Deveny's clients.

WHEREFORE, Petitioner prays for an Order:

1. Finding that the law practice of Lori E. Deveny is within the jurisdiction of this Court.

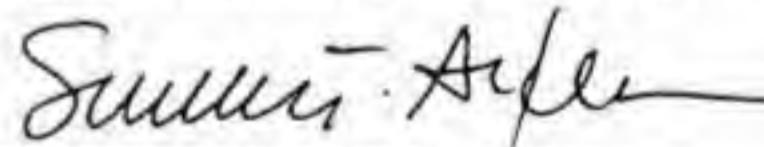
2. Finding that this Court should assume jurisdiction over Lori E. Deveny's law practice to protect the interests of the clients of the affected attorney or to protect the public interest.

3. Appointing the Oregon State Bar as custodian of Lori E. Deveny's law practice and permitting it to take possession and control of all property comprising Deveny's law practice, all in accordance with the powers set forth in ORS 9.725.

4. Granting such other relief as the Court may direct to carry out the purposes listed in ORS 9.725.

Dated this 27<sup>th</sup> day of October, 2018.

KELL, ALTERMAN & RUNSTEIN, L.L.P.



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